

ORDINANCE NO. 2004-30-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change UZO Section 1-10-2 Words and Terms Defined to read as follows:

FLAG LOT. A piece of land meeting all definitional requirements for a *lot* or *parcel*, which is situated behind one or more *lots* or *parcels* having *frontage* on a *public* or *private street*. The “flag” portion contains the *primary use building*, meeting *setback* requirements from the designated *front lot line*. The “pole” portion fronts on a *public* or *private street*, and is a minimum of 20’ wide. The “pole” portion shall contain the driveway connecting the “flag” to the *street* unless the driveway is wholly contained within a recorded access easement, which connects to the *street* at a location, which has been approved by the *Administrative Officer*, County Highway Department, or other responsible jurisdiction.

Section 2: Change UZO Section 2-26-17 Changing FP Boundaries (c)(2) to read as follows:

- (2) a metes and bounds legal description of that portion of the property situated at or above the regulatory flood elevation determined by 2-26-17-a or 2-26-17-b above, certified by a Registered Land Surveyor.

Section 3: Change UZO Section 1-10-2 Words and Terms Defined by adding the following definition. Also change UZO Section 3-2 Permitted Use Table by adding footnote 59 to the entry: Automobile dealers and gasoline service stations.

FAMILY VEHICLE: A motor vehicle with a maximum hauling capacity of less than one ton or a *recreational vehicle (RV)*, that has been owned by and registered to the same individual(s) for a period of at least one year.

Footnote 59: Except where otherwise prohibited, the sale of a *family vehicle* is allowed in any *zone* on property on which the vehicle’s owner resides.

Section 4: Change UZO Section 1-3-2 Geographic Jurisdiction and Exclusion by adding the following:

- (e) The regulatory standards of this ordinance do not supersede more restrictive requirements, which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.

Section 5: Change UZO Section 2-13 Neighborhood Business Zones (NBU) as follows:

2-13-1 INTENT: To preserve and protect older parts of the community by providing areas for retail and service establishments that are convenient to neighborhood residents, and that are not

so automobile intensive as to disrupt the safety and quiet of the neighborhood, on older platted *lots* in *urbanized sewerred areas* of Lafayette, West Lafayette (Amend 5) and the incorporated towns, as well as platted lots within the following unincorporated towns: Buck Creek, Colburn, Americus, Stockwell, Romney, West Point/Glenhall, Odell, and Montmorenci, either on sewerred lots or with on-site sewage disposal system approval from the Tippecanoe County Health Department and the Division of Sanitary Engineering, Indiana State Department of Health, on a lot-by-lot basis; relatively high *density single-family, two-family* and *multi-family residences* are also appropriate within these neighborhood shopping enclaves, if they include a commercial component on the first floor, unrelated to the residential *use* (Amend 10).

- 2-13-4 **MINIMUM LOT AREA:** **Served by sanitary sewer** - none
Not served by sanitary sewer - as determined by the Tippecanoe County Health Department and the Division of Sanitary Engineering, Indiana State Department of Health, on a lot-by-lot basis. See 4-3 for additional information.
- 2-13-5 **MINIMUM LOT WIDTH:** **Served by sanitary sewer** - none
Not served by sanitary sewer - as determined by the Tippecanoe County Health Department and the Division of Sanitary Engineering, Indiana State Department of Health, on a lot-by-lot basis. See 4-3 for additional information.

Section 6: Change UZO Section 5-3-4 Air Space Control, Height (c)(3) to read as follows:

If the site elevation is higher than the *established airport elevation*, subtract the difference from the elevation of the *airport referenced surfaces* directly above that site; if lower, add the difference to the elevation of the *airport referenced surfaces* for that site. The result is the maximum permissible height.

This ordinance shall be in full force and effect from and after its passage.

Adopted And Passed by the Board Of Commissioners of Tippecanoe County, Indiana, this 7th day of September, 2004.

VOTE:

Yes

Ruth E. Shedd, President

Yes

John L. Knochel, Vice President

Yes

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor